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11054 U.S. PTO  
08/28/01

PATENT  
ATTORNEY DOCKET NO.: 044574-5045-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

11002 U.S. PTO  
09/939709  
08/28/01

Assistant Commissioner for Patents  
**BOX PATENT APPLICATION**  
Washington, D.C. 20231

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b) for:

Inventor(s): Roland E. BARON, Natalie SIMS, Geogios SABATAKOS, Eric NESTLER,  
Jingshan CHEN and Max KELZ

For: METHODS OF USING AGENTS THAT MODULATE BONE FORMATION AND  
INHIBIT ADIPOGENESIS

1. This is a new ☒ **Utility** ☐ **Design** ☐ **Plant** patent application.

2. The papers enclosed to obtain a filing date are as follows:

61 Pages of Specification including

0 Title Page

4 Pages of Claims

1 Page(s) of Abstract

5 Sheets of drawings

3. Combined Declaration and Power of Attorney

☐ Enclosed and is executed by all inventors.

☒ Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. § 1.53(f).

Applicant(s) await notification from the Patent and Trademark Office of the time  
set for filing the Declaration and paying the filing fees.

## 4. Language

☐ English☒ Non-English

This application is being filed in accordance with 37 C.F.R. § 1.52(d) and § 608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

## 5. Assignment

☐ An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

☒ An assignment will be filed at a later date.

## 6. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application(s) is claimed:

Country	Application No.	Filed

Certified copy(ies): ☐ is/are attached. ☐ will follow.

## 7. Priority based on provisional application(s) - 35 U.S.C. § 119(e)

☒ Priority of the following provisional application(s) is claimed:

Application No.	Filed
60/228,450	August 29, 2000

A. Relate Back - 35 U.S.C. § 119(e)

☐ Amend the specification by inserting before the first line the sentence:  
 "This application claims priority of copending provisional application(s)  
 No. \_\_\_\_\_ filed on \_\_\_\_\_."

8. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$710.00 Design \$320.00
Total Claims (37 C.F.R. § 1.16(c))	- 20 =		\$ 18.00 each=	+
Independent Claims (37 C.F.R. § 1.16(b))	- 3 =		\$ 80.00 each=	+
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$270.00	+
SUB-TOTAL =				
Reduction by 1/2 for filing by a small entity				- \$
TOTAL FILING FEE =				\$

9. Fee Payment

☒ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. § 1.53(f).  
 Applicant(s) await notification from the Patent and Trademark Office of the time  
 set for filing the Declaration and paying the filing fees.

☐ Enclosed.

A check(s) in the amount of \$\_\_\_\_\_ representing the filing fee of \_\_\_\_\_ and  
 an assignment recording fee of \$40.00 is enclosed.

10. ☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

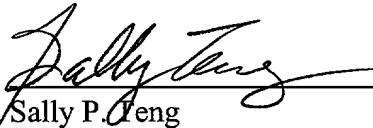
11. Additional papers enclosed:

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_\_\_ references included
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

**Please accord this application an application number and filing date.**

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Sally P. Cheng  
Reg. No. 45,397

Dated: August 28, 2001

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